

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL NO. 3:98CV394**

**CALVIN R. LUCKEY, and wife PEGGY )  
G. LUCKEY; THEODORE BALLARD, )  
JR.; FLOYD J. BOWMAN; WILLIE J. )  
BURT, JR.; CLEMENT KEENE, and )  
wif BARBARA JO DEATHERAGE )  
KEENE; JUDY HORNE MARTIN, )  
Individually and as Executrix of the )  
Estate of Ray E. Martin, Deceased; )  
GENE A. SHIRES, and wife HELEN )  
SHIRES; JACKSON J. SMITH, and )  
wife CAROLYN S. SMITH; JOHN )  
WESLEY SMITH, and wife BETTY M. )  
SMITH; ROGER FRANKLIN THOMAS, )  
and wife ELLA SHINN THOMAS; )  
DONNIE BAILEY; MARGARET A. )  
BIGHAM, Individually and as )  
Personal Representative of the )  
Estate of Rothelle E. Bigham, )  
Deceased; HAZEL S. BOONE, )  
Individually and as Executrix of the )  
Estate of Billy H. Boone, Deceased; )  
RAYMOND L. MOORE; HAZEL B. )  
MULLIS, Individually and as )  
Executrix of the Estate of Jerry R. )  
Mullis, Deceased; JIMMY W. NEAL, )  
SR., and wife DOREEN K. NEAL; )  
JOHN A. NOBLE, III, and wife )  
WENDY ROBIN HASTINGS NOBLE; )  
J. AUBREY SAUNDERS, and wife )  
GEORGIA SMITH SAUNDERS; )  
ROGER D. SMITH, and wife MARGIE )  
P. SMITH; WILLIAM E. SMITH; )**

WALTER D. THOMPSON; RONNER )  
 BYERS, and wife FRANCES W. )  
 BYERS; RICHARD ALLEN JONES, )  
 and wife JUDY ANN FINK JONES; )  
 TONY E. ROGERS, and wife )  
 PATRICIA LaDONNE C. ROGERS; )  
 KENNETH G. SMITH, and wife )  
 MARGARET SMITH; DAVID R. )  
 TURNER; DAVID R. WHITESIDE, SR., )  
 and wife LINDA L. WHITESIDE; )  
 VICTOR E. YOUNT; SYLVIA L. )  
 JOHNSON, Executrix of the Estate of )  
 Clarence Luckey, Sr., Deceased; )

Vs. )

**ORDER**

A. W. CHESTERTON, INC.; )  
 CLEAVER BROOKS; CROWN CORK )  
 & SEAL COMPANY, INC.; GEORGIA- )  
 PACIFIC CORPORATION; )  
 NORTH BROTHERS, INC.; )  
 OWENS-ILLINOIS, INC.; RAPID )  
 AMERICAN CORPORATION; D. B. )  
 RILEY CORPORATION, f/k/a Riley )  
 Stoker Corporation, and CBS )  
 CORPORATION, f/k/a Westinghouse, )

Defendants. )

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**THIS MATTER** is before the Court on receipt of the parties' responses to the Court's December 15, 2006, Order and the joint motion of Plaintiffs and Defendant Foster Wheeler Corporation to dismiss.

Plaintiffs' counsel advises that settlement funds from the Defendants Flintkote Company, Garlock Inc., and General Electric Company have been received and this matter may be dismissed with prejudice as to those Defendants. Additionally, the entity known as the Asbestos Claims Management Corporation is now under bankruptcy protection; therefore, this matter will be closed administratively as to that Defendant.

**IT IS, THEREFORE, ORDERED** that all of the Plaintiffs' claims as to the Defendants the Flintkote Company, Garlock, Inc., and General Electric Company are hereby **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the joint motion to dismiss Plaintiffs' claims filed by the Defendant Foster Wheeler Corporation is **ALLOWED**, and all claims of the Plaintiffs herein as to Defendant Foster Wheeler Corporation are hereby **DISMISSED WITH PREJUDICE**. The case caption is hereby amended on this Order to reflect the disposal of these claims.

**IT IS FURTHER ORDERED** that this matter is hereby **STAYED** as to the Defendant Asbestos Claims Management Corporation only pending completion of bankruptcy proceedings, and the Clerk is directed to close

this case as to that Defendant as outlined in Volume XI, Chapter V of the *Guide to Judiciary Policies and Procedures*.

Signed: January 12, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

